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UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	BHE 3.0-109 (CONT)
First Inventor	Manfred Keller
Title	Dry Powder Inhalation
Express Mail Label No.	EV 230637834 US

21909 U.S. PTO
10/628965

07/28/03

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
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Alexandria VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 31]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets _____]
5. Oath or Declaration [Total Sheets 1]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Reader Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Express Mail Certification

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/831,011

Prior application information:

Examiner M. HaghighatianArt Unit: 1616

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The Incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: 27614 OR ☐ Correspondence address below

Name	McCarter & English, LLP				
Address	100 Mulberry Street Four Gateway Center				
City	Newark	State	NT	Zip Code	07102
Country	U.S.	Telephone	973-622-4444	Fax	973-624-7070
Name (Print/Type)	John K. Kim	Registration No. (Attorney/Agent)	37,002		
Signature	<i>John K. Kim</i>	Date	July 28, 2003		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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July 28, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**MCCARTER
ENGLISH**
ATTORNEYS AT LAW

File: BHE 3.0-109 (CONT)
Inventor(s): Manfred Keller, et al.
Title: DRY POWDER FOR INHALATION
Assignee: To be Assigned
Express Mail Label: EV 230637834 US

Customer No. 27614

Sir:

Enclosed herewith please find the following documents in the above-identified application for Letters Patent of the United States:

<u>31</u>	Pages of Specification
<u>40</u>	Number of Claims
<u>0</u>	Sheets of Formal Drawings
<u>1</u>	Return-addressed Postcard
<u>0</u>	Assignment for Recording (Stapled to Form PTO-1595)
<u>1</u>	Declaration, Power of Attorney (copy from previous application)
<u>1</u>	Express Mail Certification (Stapled to this Letter)
<u>1</u>	Utility Patent Application Transmittal (PTO/SB/05)
<u>1</u>	Preliminary Amendment and Claim for Priority

Basic Fee	\$ 750.00
Additional Fees:	
Total number of claims (including multiple dependent claims) <u>40</u>	
Total number of claims in excess of 20, times \$18.00	\$ 360.00
Number of independent claims <u>3</u>	
Number of independent claims minus 3, times \$84.00	\$.00
Fee for multiple dependent claims (\$280.00)	\$.00
TOTAL FILING FEES:	<u>\$1,110.00</u>

*****Applicants claim the priority of Swiss Patent Application No. 2286/98 filed November 13, 1998.***

*****Applicants claim the priority of International Application No. PCT/CH99/00528 filed November 10, 1999.***

*****This application is a continuation of co-pending U.S. Appln. Serial No. 09/831,011 filed August 9, 2001.*****

Please charge Deposit Account No. 501402 in the amount of \$1,110 to cover the fees associated with this filing. The Commissioner is also authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 501402. Duplicate copies of this letter are enclosed for such purposes.

Respectfully submitted,

MCCARTER & ENGLISH


By: John K. Kim
Reg. No. 37,002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
MANFRED KELLER, et al.

Serial No. To be Assigned

Filed: Herewith

For: DRY POWDER FOR INHALATION

****This application is a continuation of U.S. Patent
Appln. Serial No. 09/831,011, filed August 9, 2001***

X

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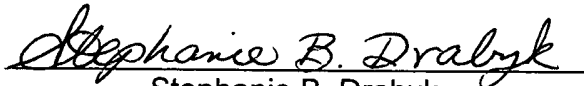
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Date of Deposit: July 28, 2003

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Stephanie B. Drabek